HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO.23343 OF 2004

Dated 09-11-2005

Between :

Abdullah-Bin-Award, son of Award-Bin-Abdullah, aged about 32 years, Occupation: Sarpanch, Pahadishareef Gram Panchayat (V), Saroornagar(M), Ranga Reddy District.

Petitioner.

And:

1. The Superintendent Police, Ranga Reddy District, Hyderabad and another.

Respondents.

ORDER :

Challenge is made in the writ petition to the opening of Rowdy sheet against the petitioner. He is elected as the Sarpanch of Pahadishareff Village and Mandal of Ranga Reddy District. Four cases were registered against him being Cr.Nos.7 of 90, 83 of 93, 40 of 94 and 30 of 96 by the Station House Officer, Pahadishareff village, Saroornagar Mandal, Ranga Reddy District under Sections 353, 376, 307 and 107 of I.P.C. After due investigation. The petitioner came to be challaned and all the cases ended in acquittal. Inspite of the Courts recording acquittal, the name of the petitioner is being continued as rowdy sheeter. Hence this writ petition.

2. Counter-affidavit has been filed by the respondents. One K. Pandurangarao, has sworn to the Counter affidavit.

The factum of acquittal of the petitioner in all the cases is not disputed by the respondents. It is stated in paragraph 5 of the Counter-affidavit which reads thus:

> "I submit that the respondents came to know that the petitioner is indulging in unlawful activities in the surrounding areas of Paharadishareef PS limits and committing unlawful activities which are not reported in the police station by the public due to fear. In view of these circumstances, it is very much essential to open the rowdy sheet in order to keep a close watch on his movements. If his movements are not closely watched, there is apprehension of breach of peace and there is likelihood of some law and order problem which may arise. I submit that the rowdy sheet opened against the petitioner on 4-1-1996 is being continued upto 31st December, 2004. The same was opened in accordance with the provisions of the A.P. Police Standing Order."

3. The learned counsel for the petitioner submits that false cases have been registered against the petitioner and the same have been ended in acquittal and that there is no further material for the respondents to continue the petitioner as a rowdy sheeter and thus, the action of the respondents in continuing the petitioner as a rowdy sheeter is arbitrary and illegal. He further submits that for keeping surveillance on the petitioner, his name need not be continued as a rowdy sheeter. In support of his submissions, reliance has been placed on the decision of this Court in MOHAMMED QUADEER AND OTHERS VS. COMMISSIONER OF POLICE, HYDERABAD CITY AND ANOTHER () wherein it has been held that opening of rowdy sheet has nothing to do with the maintenance of law and order. It is useful to refer paragraph 36 of the judgment and it is thus :

> "The order of the Commissioner evidently is not in conformity with the requirement of law. Opening of the rowdy sheet has nothing to do with the maintenance of law and order. As observed earlier, there is no material whatsoever on record since 1996 that the petitioners are indulging in any act resulting in breach of peace. There are no cases registered against them eversince March, 1996 The record, on the other hand, would reveal that there are no complaints whatsoever against any of the petitioners."

4. It is no more in dispute that the last crime registered against the petitioner being Cr. No. 177 of 2003 for the offence under section 324 of I.P.C. ended in compromise on 15-10-2004. There are no complaints against the petitioner since then. For mere keeping watch surveillance on the petitioner, there is no need of his name being continued as a rowdy sheeter.

5. In that view of the matter, the writ petition is allowed declaring the action of the

respondents in continuing the name of the petitioner as Rowdy sheeter as illegal and arbitrary. The respondents are directed to close the rowdy sheet opened against the petitioner. No costs.

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Justice B. SESHASAYANA REDDY

Date : 09-11-2005

Dvs

HONOURABLE SRI JUSTICE

B. SESHASAYANA REDDY

WRIT PETITION NO. 23343 OF 2004

Dated 09-11-2005